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## **South Florida Water Management District**

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### **GOVERNING BOARD MEETING MINUTES**

September 12, 2006, 11:30 AM for Workshop Meeting

September 13, 2006

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

**Alice Carlson**

**Michael Collins**

**Nicolás Gutiérrez**

**Kevin McCarty, Chair**

**Harkley Thornton**

**Malcolm Wade**

Members Absent:

**Irela Bagué, Vice-Chair**

**Miya Burt-Stewart**

**Lennart Lindahl**

1. **Call to Order** - Kevin McCarty, Chair, Governing Board

Chair McCarty called the meeting to order at 9:10 am.

2. **Pledge of Allegiance** - Kevin McCarty, Chair, Governing Board

Alice Carlson led the group in the Pledge of Allegiance.

3. **Introduction of Colonel Paul L. Grosskruger, Jacksonville District Commander, U.S. Army Corps of Engineers** - Kevin McCarty, Chair, Governing Board

Col. Paul Grosskruger, U.S. Army Corps of Engineers, said it is an honor working with the District. Col. Grosskruger presented the Commander's Award to Bob Howard and thanked him for his efforts during Hurricane Katrina.

Col. Grosskruger provided background information, his goals and objectives, and his main priorities: protect and serve the citizens of this country, keep the economic well-being of our region, and restoring and protecting our environment.

He reported on the long-term fixes with the Herbert Hoover Dike and presented a permit (for Picayune Strand) to Ken Ammon, Deputy Executive Director, Acceler8.

Chair McCarty said the District is pleased to be working with Col. Grosskruger.

Ms. Wehle thanked Col. Grosskruger and said he is working efficiently with the District in the repairs of Herbert Hoover Dike.

#### **4. Employee Recognitions**

Ms. Wehle presented a Leadership Award, three, 25-year awards, a 35-year award, the August Employee of the Month, the September Employee of the Month and the September Team of the Month.

#### **5. Approval of Minutes from the last month's Governing Board Meeting**

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 5

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Alice Carlson, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

#### **6. Agenda Addendum**

Jacki McGorty, District Clerk, read into the record the agenda addendum. A copy was made available to the public.

#### **7. Abstentions by Board Members from items on the Agenda**

Mr. Wade and Mr. Gutierrez announced their abstentions.

#### **8. Pull Items for Discussion from Governing Board Meeting Agenda**

Chair McCarty pulled Item 28 from the Consent Agenda to the Discussion Agenda.

Mr. Collins deferred Item 22 to the Budget Public Hearing, September 13, 2006 at 5:15 pm. This was deferred for a legal quorum being present.

#### **9. Public Comment on Consent Agenda**

Public Comment: Sharon Waite, Loxahatchee, representing herself, provided public comment on the Lazy F Ranch, Item 12, page 14 #1.

Public Comment: Rosa Durando, Audubon Society, Lake Worth, provided public comment on Lazy F Ranch, Item 12, page 14 1. She is opposed to this project.

Public Comment: Alex Larson, Loxahatchee, representing herself, provided public comment on the Lazy F Ranch, Item 12, page 14 1. She opposes this project.

**10. Water Resource Advisory Commission Update - Michael Collins, Chair**

Mr. Collins reported on the activities and recommendations of the Water Resource Advisory Commission.

**11. Board Comment on Consent Agenda**

There was no Board Comment.

**Consent Agenda**

**Water Resources**

**12. Water Use Permit Applications**

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Lake Okeechobee SWIM Works of the District Permit Applications

Everglades Works of the District Permit Applications

Denials

Environmental Resource Permit Extensions

Consent Agreements

Page 8 No 6Â Â Sloans Gate (ERP): **Postponed** to October Board

Page 9 No 10 Waterstone (FKA Daniels 32) (ERP): **Postponed** to October Board

Page 11 No 1Â Earl Raulerson (LOK): **Withdrawn**

Page 11 No 2Â Hudson Lake Ranches (ERP): **Postponed** to October Board

Page 11 No 3Â Okeechobee VWS Ventures (ERP): **Postponed** to October Board

Page 12 No 2Â ERRWDS Supplemental Reclaimed Water Well (WU): **Postponed** to October Board

Page 15 No 1Â Orange Lake Estates (ERP): **Postponed** to October Board

Page 16 No 1Â Five Star Marine Stuart LLC (SWM Denial): **Withdrawn**

Page 16 No 2Â Hobe Sound Golf Club (WU Denial): **Postponed** to October Board

Page 19 No 5Â Long Lake Estates (SWM Denial): **Voided**

Page 19 No 8Â Triangle Farm (ERP Denial): **Removed** from agenda

Page 20 No 9Â Windsor Place MUPD (ERP Denial): **Removed** from agenda

Page 24 No 3Â Islands at Doral (Doral Isles North) (Consent Agreement): **Postponed**

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**13. Right of Way Occupancy New Permits**

Right of Way Occupancy Permit Applications for Denial

Emergency Authorizations

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Relaxation of Standards as Allowed Under District Rule 40E-6.011(9) F.A.C.

- 14. 2006-900** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cooperative agreement with Miami-Dade County Department of Environmental Resources Management (DERM), for Biscayne Bay Water Quality Monitoring and Submerged Aquatic Vegetation Monitoring in the amount of \$640,000, of which ad valorem and dedicated funds (Water Protection and Sustainability Trust Fund) in the amount of \$200,000 are subject to Governing Board approval of the FY07 budget; and the remainder is subject to Governing Board approval of the FY08-FY09 budgets; providing an effective date. (Contract Number 3600001300) (Bahram Charkhian, x2284)
- 15. 2006-901** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5 year cooperative agreement with Everglades National Park, for water quality monitoring in the amount of \$687,500, of which ad valorem and dedicated funds (Florida Bay Fund) in the total amount of \$137,500 are subject to Governing Board approval of the FY07 budget; and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing an effective date. (Contract Number 3600001299) (Pete Rawlik, x4770)
- 16. 2006-902** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5 year cooperative agreement with Orange County, for Orange County Water Quality Sampling in the amount of \$179,600, of which ad valorem funds in the amount of \$33,804 are subject to Governing Board approval of the FY07 budget; and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing an effective date. (Contract Number 3600001298) (Patrick Davis, x3171)
- 17. 2006-903** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cooperative agreement with Collier County, for Collier County Water Quality Monitoring in the amount of \$499,456 of which ad valorem and dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the total amount of \$160,000 are subject to Governing Board approval of the FY07 budget; and the remainder is subject to Governing Board approval of the FY08-FY09 budgets; providing an effective date. (Contract Number 3600001301)(Patrick Martin, x4761)

18. **2006-904** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the U.S. Geological Survey for hydrogeologic and water resource studies in the amount of \$329,757 for which \$279,757 in Ad valorem funds and \$50,000 in Dedicated Funds (State Appropriations) are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number 4600000386) (Cynthia Gefvert x2610)
19. **2006-905** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000170 with Aircoastal Helicopter, Inc. for Float Helicopter Services, in an amount not to exceed \$307,230, of which dedicated funds (Comprehensive Everglades Restoration Plan Fund, Florida Bay Fund, and Everglades Restoration Trust Fund) are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number 3600000170)(Lori Wenkert, x6661)
20. **2006-906** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement between the St. Johns River Water Management District (SJRWMD) and the South Florida Water Management District (SFWMD) concerning permitting for those activities by the Callaway Land and Cattle Company which are associated with proposed improvements to the Saddle Creek Residential Development Project within the Fish Slough Basin in Okeechobee County; providing an effective date (Robert M. Brown, ext 6283)
21. Authorize publication of Notice of Rulemaking in the Florida Administrative Weekly (FAW) to amend Chapter 40E-8, F.A.C., to establish minimum flows and levels for Florida Bay.(John Mulliken, x6649)
23. **2006-907** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with Dewberry and Davis, LLC, for FEMA Flood Map Modernization in Highlands County as a Special Procurement in conjunction with the Southwest Florida Water Management District Short List of Firms to Perform Elements of the Water Management Program RFP No.006-06, in the amount of \$600,000, of which \$165,000 in dedicated funds (Federal Emergency Management Agency Fund (FEMA)) is budgeted in FY07 and the remainder is subject to Governing Board approval of the FY08-FY09 budgets, providing an effective date. (Contract Number 4600000415) (Angela Prymas, ext. 6629)

#### **CERP**

24. **2006-908** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 0.03 acre, more or less, for the C-4 Flood Mitigation Project, Sweetwater Berm, Phase 3, in the City of Sweetwater, Miami-Dade County, in the amount of \$4,000 and associated costs, of which dedicated (FEMA) funds are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (B. Katz, ext. 6837)

25. **2006-909** A Resolution of the Governing Board of the South Florida Water Management District to approve entering into an agreement with an owner within the Chandley Point and Grape Hammock Acres subdivision in Section 3, Township 31 South, Range 31 East in Polk County, to mitigate for potential adverse impacts to septic systems; in connection with the Kissimmee Chain of Lakes Project in the amount of \$12,200, and associated costs; for which ad valorem funds are budgeted; providing an effective date. (T. Hanaway, ext. 6668)
26. **2006-910** A Resolution of the Governing Board of the South Florida Water Management District approving staff recommendations for Releases of District Canal, Mineral and Road Reservations; Releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and issuance of Non-Use Commitments; providing an effective date. (V. Rada, ext. 6836)
27. **2006-911** A Resolution of the Governing Board of the South Florida Water Management District amending the funding source of South Florida Water Management District Resolution No. 2003-660 approving the purchase of land interests containing 2,399.11 acres, more or less, in Hendry County, for the C-43 Basin Storage Reservoir-Part 1, a component of CERP, in the amount of \$13,875,000 to substitute fund 414 in the amount of \$10,147,899 for fund 410 in the same amount; providing an effective date. (R. Clements, ext. 6271)
29. **2006-913** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a fifty year lease agreement with the Board of Trustees of The Internal Improvement Trust Fund of the State of Florida and the District, as Lessors, and the State of Florida Department of Environmental Protection, Division of Recreation and Parks, as Lessee, for the management of 3,816 acres, more or less, as part of the Allen David Broussard Catfish Creek Preserve State Park, in Polk County; providing an effective date. (Contract Number LS060958/4600000383)

#### **Executive Office**

30. **2006-914** A Resolution Of The Governing Board Of The South Florida Water Management District to Authorize a Settlement Agreement for \$100,000.00, plus \$20,790.00 for attorneys fees and \$7,500.00 for expert fees and costs, for which Florida Forever Trust Fund and District ad valorem funds are budgeted, for a condemnation action involving approximately 5 acres (Tract No. 005-255 LWS, Inc.) within the designated boundaries of the Critical CREW (Southern Corkscrew Regional Ecosystem Watershed) Project styled South Florida Water Management District v. Martin W. Snow, et al., filed in the 20th Circuit Court for Lee County, Florida, Case No. 03-1771-CA-JHS; providing an effective date. (Ed Artau, Ext. 6431)

31. **2006-915** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Gregory Isbell, individually and as trustee, in the 19th Judicial Circuit in and for Okeechobee County regarding the violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code, [S5&6/T34S/R34E] Okeechobee County, and against any other appropriate or necessary parties in the appropriate court; providing an effective date. (Robert Panse, Ext. 6279)
32. **2006-916** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter subject to the approval of the Executive Director, against Jeffrey B. Freeman, in the 20th Judicial Circuit in and for Lee County regarding the violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code, [S34/T45/R25] Lee County, and against any other appropriate or necessary parties in the appropriate court; providing an effective date. (Robert Panse, Ext. 6279)

#### **Corporate Resources**

33. **2006-917** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District budget as shown on the attachment hereto; providing an effective date.
- Project Sponsor: Doug Bergstrom, ext. 6214
34. **2006-918** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2005 2006 Budget; providing an effective date
- Project Sponsor: Doug Bergstrom, X6214
35. **2006-919** A Resolution of the Governing Board of the South Florida Water Management District approving the attached Ethics Policy; providing for inclusion of the policy in Chapter 120 (Human Resources Policies) of the District Policy Code; providing for severability; providing an effective date.

Project Sponsor: Lourdes Ramos, ext 6370

36. **2006-920** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year work order contract with two one-year renewals with Florida Drawbridge Inc., the lowest responsive and responsible bidder, for a Headquarters Heating, Ventilation and Air Conditioning Handyman in the amount of \$225,000, of which \$75,000 is subject to Governing Board approval of the FY07 budget and the remainder is subject to the Governing Board approval of the FY08-09 budgets; providing an effective date. (SAP Contract Number 4600000382)(Project Sponsor: Craig Nyhuis, Ext. 6472.)

- 37. 2006-921** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an amendment to contract C-8358 with BellSouth Communication Systems for telephone maintenance, moves/adds/changes, and an on-site technician, to extend the term by three years (December 1, 2006 to November 30, 2009) and authorize a Waiver of Competition as an exception to the general standards of competition, in the amount of \$509,362 of which \$199,500 of ad valorem funds are subject to Governing Board approval of the FY07 budget and the remainder is subject to Governing Board approval of the FY08 - FY09 budgets; providing an effective date (C-8358-A11/3600000260).

Project Sponsor: Sharon Trost, ext 6814

- 38. 2006-922** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Veritas Software for backup software maintenance and upgrades, for the time period November 15, 2006 to November 14, 2007, in the amount of \$240,603 for which ad valorem (\$205,908) and dedicated (CERP - \$34,695) funds are subject to Governing Board approval of the FY07 budget; providing an effective date (PR 10002451).

**Annual Renewal**

Project Sponsor: Sharon Trost, Ext. 6814

- 39. 2006-923** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Presidio Corporation for Cisco Systems network hardware and software maintenance, for the time period October 1, 2006 to September 30, 2007, in the amount of \$337,316 for which ad valorem (\$302,234) and dedicated (CERP - \$35,082) funds are subject to Governing Board approval of the FY07 budget; providing an effective date (PR 10002450).

**Annual Renewal**

Project Sponsor: Sharon Trost, Ext. 6814

- 40. 2006-924** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Oracle Corporation for Oracle software maintenance and upgrades, for the time period October 25, 2006 to October 24, 2007, in the amount of \$768,973 for which ad valorem (\$669,735) and dedicated (CERP - \$99,238) funds are subject to Governing Board approval of the FY07 budget; providing an effective date (PR 10002439).

**Annual Renewal**

Project Sponsor: Sharon Trost, Ext. 6814



- 41. 2006-925** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Environmental Systems Research Institute (ESRI) for GIS software maintenance and upgrades, for the time period October 1, 2006 to September 30, 2007, in the amount of \$227,147, for which ad valorem (\$199,797) and dedicated (CERP - \$27,350) funds are subject to Governing Board approval of the FY07 budget; providing an effective date (PR 10002438).

**Annual Renewal**

Project Sponsor: Sharon Trost, Ext. 6814

- 42. 2006-926** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Compuquip Technologies, Inc. for IT security software maintenance and upgrades, for the time period October 1, 2006 to September 30, 2007, in the amount of \$191,164 of which ad valorem (\$188,892) and dedicated (CERP - \$2,272) funds are subject to Governing Board approval of the FY07 budget; providing an effective date (PR 10002437).

**Annual Renewal**

Project Sponsor: Sharon Trost, Ext. 6814

- 43. 2006-927** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with SkillStorm for a Microwave Expansion Project Team Lead Consultant, for the time period October 1, 2006 to September 30, 2008, in the amount of \$171,216 of which \$83,522.40 of ad valorem funds are subject to Governing Board approval of the FY07 budget and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (PR 10002637).

Project Sponsor: Sharon Trost, Ext. 6814

- 44. 2006-928** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract OT050591 with Eagle Business Solutions for web services, and authorize a Waiver of Competition as an exception to the general standards of competition, in the amount of \$985,000 for which ad valorem funds are subject to Governing Board approval of the FY07 budget; providing an effective date OT050591-A02. (3600000876).

**Operations and Maintenance**

- 45. 2006-929** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the U.S. Geological Survey (Orlando) in the amount of \$423,330, for ground water and surface water monitoring of which ad valorem funds are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number 4600000402)

46. **2006-930** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with Overland Construction, the lowest responsive and responsible bidder, for the S-65E Automation in the amount of \$584,000, for which ad valorem funds are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number 4600000410)

47. **Board Vote on Consent Agenda**

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Alice Carlson, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

## Workshop Agenda

### **Water Resources**

48. **Policy Issues Associated with the ACOE's Proposed Lake Okeechobee Regulation Schedule** - Kim O'Dell, Sr. Environmental Scientist, Lake Okeechobee Division, Watershed Management Department; Scott Burns, Director Water Supply Policy Implementation, Water Supply Department; and Dennis Duke, U.S. Army Corps of Engineers

Dennis Duke, U.S. Army Corps of Engineers, presented information on Lake Okeechobee's Regulation Schedule.

Mr. Duke reported on the upcoming public meetings and the purpose and background of the Regulation Schedule. The study and goals are to implement a new regulation schedule supported by a supplemental and environmental impact statement by January 2007.

Mr. Duke reported on the study constraints, the performance measures and the alternatives. Mr. Duke also reported on the National Environmental Policy Act (NEPA) activities.

Paul Sousa, U.S. Fish & Wildlife Service, provided information on Lake Okeechobee's Tentative Selected Plan (TSP). He reported on the two main issues: the endangered Everglades Snail Kite and the releases to the Estuaries. Mr. Sousa reported on the biological analysis which will be completed by mid-November 2006.

Mr. Collins provided comment on the designs, costs and construction of the pumps. He also spoke on Lake Okeechobee's Minimum Flows and Levels (MFLs).

Mr. Wade provided comment on water supply, Supply-Side Management and the concerns from the water supply users around Lake Okeechobee. He also spoke on the permit process and the plan.

Kim O'Dell, Sr. Environmental Scientist, Lake Okeechobee Division, presented information on the policy issues associated with the USACE Tentative Selected Plan for the Lake Okeechobee Regulation Schedule. Ms. O'Dell reported on the current Water Supply & Environment schedule (WSE), the Tentative Selected Plan evaluation, Lake Okeechobee's Regulation Schedule Study, and the overview of District staff participation and process.

Scott Burns, Director of Water Supply Policy Implementation, presented information on the Water Supply issues associated with the proposed Lake Okeechobee Regulation Schedule. Mr. Burns reported on the water shortage/level of certainty performance summary, Lake Okeechobee's MFLs, and how to address the MFL violations. Mr. Burns also reported on mitigating extreme low lake levels (water restrictions and forward pumps). Mr. Burns provided information on the actions needed to address water supply issues.

Ms. O'Dell provided a summary of the issues the District will raise in a comment letter which will be addressed to the USACE.

Public Comment: Kurt Harclerode representing Lee County Natural Resources, provided public comment on the TSP and said they are pleased with this plan. He provided comment on the Caloosahatchee Estuary.

Public Comment: Rosa Durando, representing the Audubon Society, Lake Worth, provided public comment on alternative water supplies and Lake Okeechobee.

Public Comment: Michelle Diffenderfer, representing Seminole Tribe of Florida, provided public comment on the water supplies issues and Seminole Tribes entitlement of water demands on Lake Okeechobee.

Public Comment: Tom MacVicar, representing Agriculture, provided public comment on the Lake Okeechobee Regulation Schedule.

Mr. Collins provided comments on the Lake level and the endangered species.

Mr. Wade provided comment on the forward pump permits, the MFLs, the recover plan and the water level of Lake Okeechobee.

- 49. Regional Water Availability Rule Development Update.** Scott Burns, Director Water Supply Policy Implementation, Cecile Piverotto, Sr. Specialist Attorney

Cecile Piverotto, Sr. Specialist Attorney, presented an update on the Regional Water Availability Rule Development. Ms. Piverotto provided background information on the ongoing Rule and the water supply deliveries in the dry season to the Lower East Coast. She reported on the April 2006 Governing Board direction. Ms. Piverotto provided information on upcoming workshops and stakeholders comments.

Public Comment: Jamie Furgang, representing the Audubon of Florida, provided public comment regarding the regional water availability rule and water reservations.

Mr. Collins provided comment on consumptive use permits, policies and rules.

Mr. Wade provided comment regarding the Agriculture areas.

Michelle Diffenderfer, representing Lake Worth Drainage District, provided public comment and said written comment was provided to Ms. Piverotto and Mr. Burns on this Rule.

**50. Florida Bay Minimum Flow and Level Rule Development Update,** John Mulliken, Director, Water Supply Planning Division, David Rudnick- Sr. Supervising Environmental Scientist

John Mulliken, Division Director, Water Supply Planning Division, presented an update on the Florida Bay Minimum Flow and Level Rule Development. He reported on the sites and criteria, the MFL Recovery Plan and Prevention Strategy and the Future Rule Improvements. Staff will request adoption of this rule at the November Governing Board meeting.

Public Comment: Joan Lawrence, representing the U.S. Department of Interior, provided comment on Florida Bay MFL and commended the District for moving forward with this Rule.

Public Comment: Jamie Furgang, representing the Audubon of Florida, provided comment on the MFLs for Florida Bay and algae blooms.

**51. Proposed 2007 Updates of the Minimum Flow and Level Priority Water Body List and the Schedule for Initial Water Reservations.** John Mulliken, Director, Water Supply Planning Division.

Mr. Mulliken provided information on the proposed 2007 annual update priority water Body List and the schedule for initial water reservations. Mr. Mulliken said staff will request Governing Board approval in October.

**52. Funding for FY07 Alternative Water Supply Projects -** Mark Elsner, Director, Implementation Division

Mark Elsner, Division Director of Implementation, Water Supply Department, presented information on the FY07 Alternative Water Supply Funding Program. Mr. Elsner reported on the definition of the alternative water supplies, the workshops that were held, the amount of proposals that were received, the types and locations of the proposals and the FY2006/2007 comparison. Mr. Elsner reported on the statutory factors to evaluate projects and the additional Governing Board Requirements. He reported on the funding allocation and the distribution of funding prorating vs. non-prorating.

Ms. Carlson provided comment on the AWS program cost-share funding approach and also the formula in the economically-disadvantaged communities.

Ms. Bagué provided comment on incentives, costs of Reverse Osmosis plants and water reservations.

Chair McCarty provided comment regarding incentives.

Ms. Wehle reported on future regional solutions and incentives.

Mr. Wade recommended staff workshop this item with the utility companies and come back with their comments and recommendations.

Public Comment: Bevin Beaudet, representing Palm Beach County, provided comment on the Lake Region Water Treatment Plant.

## **CERP**

- 53. Acceler8 Update** - Tommy Strowd, Assistant Deputy Executive Director, CERP, Paul E. Dumars, Sr., Chief Financial Officer

Tommy Strowd, Assistant Deputy Executive Director, provided an update on the Acceler8 program. Mr. Strowd reported on the Acceler8 construction projects underway and the upcoming projects planned. Mr. Strowd also reported on the Acceler8 project allowances.

- 54. Status Update on the Interim Goals and Interim Targets Agreements** - Paul Warner, Chief Environmental Scientist, Acceler8 Office

Paul Warner, Chief Environmental Scientist, Acceler8, presented a status update on the Interim Goals Agreement and Interim Target Agreement.

Mr. Warner provided background on the draft agreement and the comments from stakeholders.

Mr. Collins provided comment on the costs of this program.

## **Discussion Agenda**

### **Water Resources**

- 55. 2006-931** A Resolution of the Governing Board of the South Florida Water Management District requesting the Florida Department of Environmental Protection to release funds from the Water Protection and Sustainability Trust Fund to carry out surface water restoration projects, pursuant to 403.890.F.S. (Sean Sculley, x6109)

Sean Scully, Deputy Director, Watershed Management Department, presented information on this Agenda Item. He reported on the four main waterbodies which include Biscayne Bay, Lower Charlotte Harbor, Indian River Lagoon, and Naples Bay.

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 55

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Michael Collins, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 57.** Approve Water Use Permit Modification/Renewal Application 060306-16 for the Town of Highland Beach service area to increase the allocation to meet projected demands with a 20-year duration (Palm Beach County) (Robert J. Moresi, ext 6603)

Robert Moresi, Division Director, Water Use Regulation, presented information on the Town of Highland Beach consumptive use permit.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 57

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 58.** Authorize entering into a Consent Agreement with Crooks Ranch (Robert J. Moresi, ext 6603)

Chip Merriam, Deputy Executive Director, presented information on this Agenda Item.

Mr. Collins provided comment on the temporary consent agreement.

Mr. Wade provided information and reported on the applicants and their understanding of these consent orders.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 58

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Alice Carlson, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 92.** Approve Water Use Permit Application 051115-3 for dewatering for stormwater lake construction for a project known as Bridgewater (Osceola County) (Robert J. Moresi, ext 6603)

Bob Moresi, Division Director, Water Use Regulation Department, presented information on this agenda item.

Motion made by Harkley Thornton, seconded by Nicolás Gutiérrez to Approve the following item(s): 92

Vote called. Voting yes: Harkley Thornton, Nicolás Gutiérrez, Alice Carlson, Michael Collins, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

## **CERP**

- 61. 2006-933** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 270 day contract with American Earth Movers, Inc., the lowest responsive and responsible bidder, for the Picayune Strand Restoration CERP Project's Phase I road removal work in the amount of \$3,993,000 for which dedicated funds (CERP Capital Construction Fund) are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number 4600000393)

Tommy Strowd, Assistant Deputy Executive, presented information on this agenda item. Mr. Strowd reported on the bid information.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 61

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Alice Carlson, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 28. 2006-912** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an amendment to Contract No. C-8301 with Tetra Tech Ec, Inc. that provides for certain expenses of Tetra Tech Ec, Inc. and the South Florida Water Management District to be recognized as allowable expenses under the terms of the Contract and recoverable from revenues generated in accordance with the terms of the contract; and for which no funds are necessary; providing an effective date. (Contract Number 4600000033-A07)

John Dunnuck, Department Director, Land Management & Operations, presented information on this Agenda Item.

Motion made by Malcolm Wade, seconded by Michael Collins to Approve the following item(s): 28

Vote called. Voting yes: Malcolm Wade, Michael Collins, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton. Motion passed.

### **Executive Office**

- 62.** Consideration of (1) Administrative Law Judge D. Alexander's Recommended Order, and (2) timely filed Exceptions to the Recommended Order and Responses thereto, if any, in DOAH Case No. 05-4514, South Florida Water Management District v. Eco-Engineering, LLC (f/k/a Enviroglades, LLC), regarding suspension of Eco-Engineering from doing work with the District.

Sheryl Wood, General Counsel, Ext. 6976

Santiago Echemendia, Board Counsel

Cathy Linton, for SFWMD Staff, Ext. 6322

Marcy I. LaHart, for Eco-Engineering, LLC

Santiago Echemendia, Board Counsel, provided information on this agenda item.

Mr. Collins moved to reject the Exceptions and adopt the administrative Law Judge's order as modified.

Motion made by Malcolm Wade, seconded by Alice Carlson to Approve the following item(s): 62

Vote called. Voting yes: Malcolm Wade, Alice Carlson, Nicolás Gutiérrez, Harkley Thornton. Not present: Kevin McCarty. Motion passed.

- 63.** Consideration of Administrative Law Judge B. Canter's Recommended Order in DOAH Case No. 05-4308, Burkett v. Osceola County; Habitat Restoration, Inc; and South Florida Water Management District, regarding modification of an Environmental Resource Permit for a project known as Poinciana Boulevard, Phase II.

Sheryl Wood, General Counsel, Ext. 6976

Santiago Echemendia, Board Counsel

Peter Cocotos, for SFWMD Staff, Ext. 6274

Eric T. Olsen, Esq. for Petitioner

Silvia Morell Alderman, Esq. for Respondent Osceola County

Olga Sanchez de Fuentes, Esq. for Respondent Osceola County

Santiago Echemendia, Board Counsel, presented information on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Malcolm Wade to Approve the following item(s): 63

Vote called. Voting yes: Nicolás Gutiérrez, Malcolm Wade, Alice Carlson, Michael Collins, Harkley Thornton. Not present: Kevin McCarty. Motion passed.

- 90.** Enter a Final Order concurring with the Executive Director's Emergency Final Order, SFWMD Order No. 2006-119 DAO, regarding pumping and other measures to address flooding caused by Tropical Storm / Hurricane Ernesto.

Sheryl Wood, General Counsel, provided information on this agenda item.

Motion made by Alice Carlson, seconded by Harkley Thornton to Approve the following item(s): 90

Vote called. Voting yes: Alice Carlson, Harkley Thornton, Michael Collins, Nicolás Gutiérrez, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 91.** Enter a Final Order concurring with the Executive Director's Emergency Final Order, SFWMD Order No. 2006-120 DAO, regarding repairs, replacement, restoration, and certain other measures made necessary by Tropical Storm / Hurricane Ernesto and rescinding the Order immediately.

Sheryl Wood, General Counsel, provided information on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 91

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

### **Corporate Resources**

- 64. 2006-934** A Resolution of the Governing Board of the South Florida Water Management District authorizing an increase to the Personal Computer Lease with Dell Government Leasing and Financing, in the amount of \$2,356,776, of which \$1,793,807 of ad valorem funds are subject to Governing Board approval of the FY07 budget and the remainder is subject to Governing Board approval of the FY08 - FY09 budgets; providing an effective date. (RFQ 04-044)

Project Sponsor: Sharon Trost, Ext. 6814



Sharon Trost, Chief Information Officer, Information Technology presented information on this agenda item. Ms. Trost reported on the personal computer lease and the increase in funding.

Motion made by Harkley Thornton, seconded by Nicolás Gutiérrez to Approve the following item(s): 64

Vote called. Voting yes: Harkley Thornton, Nicolás Gutiérrez, Alice Carlson, Michael Collins, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

### **Operations and Maintenance**

- 65. 2006-935** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 455 day contract with Harry Pepper and Associates, Inc., the lowest responsive and responsible bidder for the S -127 Control Room hardening and building improvements in the amount of \$9,244,180, for which ad valorem funds in the amount of \$4,460,000 are subject to Governing Board approval of the FY07 budget; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN060733 / 4600000389)

Cled Weldon, Department Director, Construction and Engineering, presented information on this Agenda Item.

Mr. Collins spoke about the cost estimates of this project.

Mr. Olliff reported on the scope changes.

Motion made by Alice Carlson, seconded by Nicolás Gutiérrez to Approve the following item(s): 65

Vote called. Voting yes: Alice Carlson, Nicolás Gutiérrez, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 66. 2006-936** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the U.S. Geological Survey (Ft. Lauderdale) for surface water and ground water monitoring in the amount of \$1,532,919, of which ad valorem funds are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number 4600000403)

Cherry James, Division Director, SCADA and Instrument Management, presented information on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 66

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 67. 2006-937** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 3 year work order contract with 2 one year renewal options, at the discretion of the District with AMJ Equipment Corporation subject to successful negotiations, for Campbell Scientific (CR10) Installation within the District's Surface-Water Network, in an amount not-to-exceed \$4,582,976 for which ad valorem / dedicated funds in the combined total of \$419,652 are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with AMJ Equipment Corporation, the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000401)

Public Comment: Bill Hilbrands representing Hydrolgage, Inc., provided public comment on this agenda item. He spoke on adding additional contractors.

No presentation was provided.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 67

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 68. 2006-938** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 3 year work order contract with 2 one year renewal options, at the discretion of the District with Rare Earth Sciences, Inc. d/b/a HSA Engineers and Scientists, subject to successful negotiations, for Campbell Scientific (CR10) Installation within the District's Surface-Water Network, in an amount not-to-exceed \$4,582,976 for which ad valorem / dedicated funds in the combined total of \$419,652 are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with Rare Earth Sciences, Inc. d/b/a HSA Engineers and Scientists, the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000398)

No presentation was provided.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 68

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 69. 2006-939** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 3 year work order contract with 2 one year renewal options, at the discretion of the District with AquaFlora Instrumentation Services, Inc. subject to successful negotiations, for Campbell Scientific (CR10) Installation within the District's Surface-Water Network, in an amount not-to-exceed \$4,582,976 for which ad valorem / dedicated funds in the combined total of \$419,652 are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with AquaFlora Instrumentation Services, Inc., the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000399)

No presentation was provided.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 69

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 70. 2006-940** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 3 year work order contract with 2 one year renewal options, at the discretion of the District with Star Controls, Inc. subject to successful negotiations, for Campbell Scientific (CR10) Installation within the District's Surface-Water Network, in an amount not-to-exceed \$4,582,976 for which ad valorem / dedicated funds in the combined total of \$419,652 are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with Star Controls, Inc., the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000400)

No presentation was provided.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 70

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 71. 2006-941** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 3 year work order contract with 2 one year renewal options, at the discretion of the District with Rare Earth Sciences, Inc. d/b/a HSA Engineers and Scientists, subject to successful negotiations, for MOSCAD Installation within the District's Surface-Water Network, in an amount not-to-exceed \$4,150,000 for which ad valorem / dedicated funds in the combined total of \$436,800 are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with Rare Earth Sciences, Inc. d/b/a HSA Engineers and Scientists, the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000395)

No presentation was provided.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 71

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 72. 2006-942** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 3 year work order contract with 2 one year renewal options, at the discretion of the District with AMJ Equipment Corporation, subject to successful negotiations, for MOSCAD Installation within the District's Surface-Water Network, in an amount not-to-exceed \$4,150,000, for which ad valorem / dedicated funds in the combined total of \$436,800 are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with AMJ Equipment Corporation, the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000407)

No presentation was provided.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 72

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 73. 2006-943** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 3 year work order contract with 2 one year renewal options, at the discretion of the District with Star Controls, Inc., subject to successful negotiations, for MOSCAD Installation within the District's Surface-Water Network, in an amount not-to-exceed \$4,150,000 for which ad valorem / dedicated funds in the combined total of \$436,800 are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with Star Controls, Inc. the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000394)

No presentation was provided.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 73

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 74. 2006-944** A Resolution of the Governing Board of the South Florida Water Management District to authorize the ranking of short-listed firms and entering into a 3 year work order contract with 2 one year renewal options, at the discretion of the District with TEK Science and Engineering Corporation, subject to successful negotiations, for MOSCAD Installation within the District's Surface-Water Network, in an amount not-to-exceed \$4,150,000 for which ad valorem / dedicated funds in the combined total of \$436,800 are subject to Governing Board approval of the FY07 budget, and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing that, if negotiations are unsuccessful with TEK Science and Engineering Corporation, the District will proceed with negotiations in rank order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000397)

No presentation was provided.

Motion made by Nicolás Gutiérrez, seconded by Alice Carlson to Approve the following item(s): 74

Vote called. Voting yes: Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 75. 2006-945** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 270 day contract with Expert Construction Managers Inc., the lowest responsive and responsible bidder, for the North Spur Telemetry Towers, Phase 2, in the amount of \$1,499,000, for which ad valorem funds are subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CN060676 / 4600000409)

Cled Weldon, Department Director, Construction and Engineering, presented information on this Agenda Item.

Motion made by Nicolás Gutiérrez, seconded by Malcolm Wade to Approve the following item(s): 75

Vote called. Voting yes: Nicolás Gutiérrez, Malcolm Wade, Alice Carlson, Michael Collins, Harkley Thornton. Not present: Kevin McCarty. Motion passed.

- 76. 2006-946** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 150 day contract with Construction Technology, Inc., the lowest responsive and responsible bidder, for the Harold A. Campbell Public Use Area at STA 3/4, in the amount of \$1,716,000, for which dedicated funds (Everglades Trust Fund) of \$330,000 are budgeted; and the remainder is subject to Governing Board approval of the FY07 budget; providing an effective date. (Contract Number CE060274 / 4600000411)

Cled Weldon, Department Director, Construction and Engineering, presented information on this Agenda Item.

Motion made by Malcolm Wade, seconded by Nicolás Gutiérrez to Approve the following item(s): 76

Vote called. Voting yes: Malcolm Wade, Nicolás Gutiérrez, Alice Carlson, Michael Collins, Harkley Thornton. Not present: Kevin McCarty. Motion passed.

**77. Public Comment**

Rosa Durando, representing the Audubon Society, Lake Worth expressed concern about how large regulatory projects with heightened public interest that the public request to be pulled are now being handled. She said that staff are no longer doing presentations and asked that the practice of staff giving presentations for these projects be reinstated.

**Staff Reports**

**78. Water Conditions Report - Bob Howard P.E.**

Susan Sylvester, , presented and update on the water conditions. She reported on Tropical Storm Ernesto and the water levels of Lake Istokpoga.

**79. Lake Okeechobee Conditions Report - Susan Gray**

Susan Gray, Deputy Department Director, Watershed Management, presented an update on Lake Okeechobee. Dr. Gray reported on Tropical Storm Ernesto's effects on Lake Okeechobee.

**80. Office of Policy and Legislation Update - Ernie Barnett**

Ernie Barnett, Director of Office of Policy and Legislation, provided an update on the Water Resource Development Act (WRDA). Conference Committee meetings should begin within the next two weeks. Mr. Barnett reported on the cost share provisions.

Mr. Barnett also reported on the local issues.

**81. Calendar Update - Jacki McGorty**

Jacki McGorty reported on the calendar updates for the next month.

**82. General Counsel Report - Sheryl Wood**

Ms. Wood provided information on the State Water Policy.

**83. Executive Director's Report - Carol Wehle**

Ms. Wehle provided information about Dennis Duke's new position in Jacksonville.

**84. Board Comment**

Ms. Carlson reported on the rain event in the Lower West Coast and thanked staff who responded to this emergency event.

**Closed Door Agenda**

**Executive Office**

**85. Closed-Door Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976

**Action Items (if any) Stemming from Closed Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976

Chair McCarty announced that the Governing Board would adjourn to Closed Door Session at 11:32 am on September 12th, 2006, and would reconvene in approximately one hour.

Chair McCarty called the Governing Board Workshop back to order at 1:40 pm.

Chair McCarty reported there was one closed door session, Agenda Item 85. Sheryl Wood, General Counsel, reported no action was taken.

## 86. Closed-Door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976

### Action Items (if any) Stemming from Closed Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976

## 87. Closed-door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317.

Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976

### Action Items (if any) Stemming from Closed Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317.

Sheryl G. Wood, General Counsel, Office of Counsel, Ext. 6976

## Adjournment

## 88. Adjourn

Mr. Collins adjourned the meeting at 11:45 am.

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Kevin McCarty, Chairman  
South Florida Water Management District